Criminal Misc. Application No. 258 of 2002

Hon'ble Irshad Hussain:

Heard Sri Rakesh Thapaliyal, learned counsel for the petitioner and the learned A.G.A. appearing on behalf of the state.

This is a petition under section 482 of Code of Criminal Procedure for quashing the charge sheet filed for offences punishable under sections 302,498A,120B,201 of I.P.C.

While exercising powers under section 482 of the Cri.P.C., it is well settled that the High Court will not embark upon the enquiry whether the evidence collected during the investigation is reliable of not or whether on reasonable appreciation of the same, the charge would be sustained against the accused. This is the function of the trial Court. From perusal of the statement made at the bar the lady Smt. Tasvir Fatama has also made a dying declaration in regard to the circumstances of the death. It is obvious that the allegations in the material are inherently probable and the allegations are manifestly supported by the evidence as well as medical evidence in regard to the unnatural death of the wife. Considering this, there is no occasion for appreciation of the evidence collected and the petition being without merit, is dismissed.

(Irshad Hussain, J.)

20.08.02./B.